

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

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CLERK *m. Sams*  
SO. DIST. OF GA.

DANIEL ALTHONE GRIFFIN, )

Plaintiff, )

v. )

CASE NO. CV507-67

HENRIETTA B. MARKETTE, )  
Waycross Probation Officer, )  
and MICHAEL P. BOGGS, Judge, )  
Waycross Judicial Circuit, )

Defendants. )

O R D E R

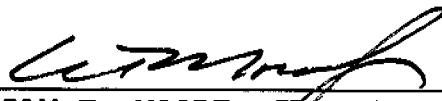
After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. As explained by the Magistrate Judge, when a state prisoner challenges the "fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475, 500, 93 S. Ct. 1827, 1841, 36 L. Ed. 2d 439 (1973).

The proper defendant in a habeas corpus case is the warden of the facility where the prisoner is incarcerated.

Mackey v. Gonzalez, 662 F.2d 712, 713 (11th Cir. 1981); see also 28 U.S.C. §§ 2241-2254.<sup>1</sup> Therefore, Plaintiff has not named the proper defendant for the relief he seeks.

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 21<sup>st</sup> day of November, 2007.

  
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WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> A prisoner is also required to exhaust state court remedies before filing in federal court.